

Guidelines for the Determination of a Legally Created Parcel

Determining legally created parcel status can be difficult and it is recommended you seek the assistance of a consultant or title company if you have questions. Typically, you must provide evidence (in the form of a recorded document) that the parcel has been legally created before permits are issued. The guidelines below are intended to cover the majority of situations, but there are many variables that can exist in land titles and legal parcel determinations.

What Constitutes a Legally Created Parcel

The following 5 situations constitute a legally created parcel, therefore a Certificate of Compliance (COC) is not required.

- 1) **A lot from a recorded Tract map**
- 2) **A parcel from a recorded Parcel Map**
- 3) **A parcel/ lot from a Lot Line Adjustment (It needs to be in the form of a Grant Deed which references the approved/recorded Lot Line Adjustment)**
- 4) **A parcel from a recorded Certificate of Parcel Merger**
- 5) **And of course, a parcel that already has an approved and recorded COC.**

In rare instances, some Record of Surveys qualified as legal subdivisions. These will be determined on an individual basis by the County Surveyors office.

All others require a Certificate of Compliance Application (COC).

COC Requirements

A parcel that has a Grant Deed recorded prior to March 4, 1972 that describes the parcel exactly the same as the current Grant Deed may be a legally created lot. The deeds are reviewed under the COC application and the COC is recorded. Legal access must also exist and be shown. In addition, there are many other variations to determine a legally created parcel. Under the COC application these legal descriptions and the legal access are verified prior to the issuance of a permit or grant of approval.

What Triggers a Conditional COC

Survey usually makes this determination during the review of a COC. Typically the applicant is unable to provide a deed prior to March 4, 1972 that describes the parcel the same as the current Grant Deed, which means the parcel may have been created in violation of the Subdivision Map Act and Ordinance 460.

The Subdivision Map Act 66412.6, 66499.32 thru 66499.36 and Ordinance 460 govern these determinations. The following is the easiest way to describe what a violation is and what is not:

Prior to March 4, 1972 it was ok/legal to subdivide and convey property by executing a grant deed. After that date, a property owner was required to process a Tract map or Parcel Map to subdivide their property. In conclusion, if the subject property was subdivided by deed, after March 4, 1972, it was considered a violation and a Conditional COC would be required.